

Practitioner's Docket No. 39451-5C (70329)

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Thackeray et al.

Application No.: 10/783,631

Group No.: 1756

Filed: February 20, 2004

Examiner: M. Chapman

For: RADIATION SENSITIVE COMPOSITIONS AND METHODS

[ ] \*Patent No.: Issue Date:  
Reexamination Date:

*\*NOTE: Preferably also insert inventor's name and invention title.*

Mail Stop: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OBVIATE  
A DOUBLE PATENTING REJECTION (37 C.F.R. SECTION 1.321(c))

## Identification of Person(s) Making This Disclaimer

I, Peter F. Corless  
(type or print names of all inventors or assigns or name of attorney signing disclaimer)

(a) represent that I am

[ ] an inventor (applicant) of this invention.

## CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

## MAILING

☐ deposited with the United States Postal Service  
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22313-1450.

## FACSIMILE

☒ transmitted by facsimile to the Patent and  
Trademark Office at \_\_\_\_\_

Signature

Deanna M. Rivemider  
(type or print name of person certifying)

Date: \_\_\_\_\_

(Terminal Disclaimer to Obviate a Double Patenting Rejection--page 1 of 4)

☐ an assignee of this invention.

**WARNING:** *"If the patent or patent application is assigned to an organization, such as a corporation, partnership, university, [g]overnment agency or similar entity, and the disclaimer is signed by the assignee, the assignee must comply with Section 3.73(b)." Notice of Oct. 15, 1993, 1156 O.G. 54-61 at 56, Section 1490, M.P.E.P., 7th Edition.*

☐ a representative authorized to sign on behalf of the assignee identified below.

☐ A statement under 37 C.F.R. Section 3.73(b) is attached.

**WARNING:** *See the above "WARNING".*

☒ the attorney of record for this invention.

**NOTE:** *The rules "permit an attorney or agent of record to sign a terminal disclaimer without the need to comply with Section 3.73(b)." Notice of Oct. 15, 1993, 1156 O.G. 54-61, at 56. See also Section 1490, M.P.E.P., 7th Edition.*

#### IDENTITY OF ASSIGNEE AND TITLE OF DISCLAIMANT (if applicable)

The assignee is

Name of assignee: Shipley Company, L.L.C. \_\_\_\_\_

Address of assignee 455 Forest Street \_\_\_\_\_

Marlborough, MA 01752 \_\_\_\_\_

Title of disclaimant authorized to sign on behalf of assignee \_\_\_\_\_

Attorney of Record \_\_\_\_\_

#### EXTENT OF DISCLAIMANT'S INTEREST

The extent of the interest in this invention that the disclaimant owns is in:

☒ the whole of this invention.

☐ a sectional interest in this invention, as follows:

*(state the exact interest of the disclaimant)*

(Terminal Disclaimer to Obviate a Double Patenting Rejection--page 2 of 4)

**RECORDAL OF ASSIGNMENT IN PTO**  
(if applicable)

☒ The assignment was recorded on 12/06/1991

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☐ Authorization for recordal of the assignment is separately attached.

☐ A separate ☐ "ASSIGNMENT (DOCUMENT) COVER SHEET" or  
☐ FORM PTO 1595 is also attached.

**ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION**  
(if applicable)

☐ Attached is a STATEMENT UNDER 37 C.F.R. Section 3.73(b) establishing the right of the assignee to take action in this case.

**(Obviousness-Type Double Patenting Rejection Over A Prior Patent)**

Petitioner hereby disclaims, except as provided below, the terminal part of any patent granted on the instant application, which would extend beyond the expiration date of U.S. Patent No. 5,968,712, U.S. Patent No. 6,607,870 and U.S. Patent No. 6,727,049 as presently shortened by any terminal disclaimer. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above-listed patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. Sections 154 to 156 and 173 of the patents forming the basis of the double patenting rejection, namely, U.S. Patent No.: 5,968,712, U.S. Patent No. 6,607,870 and U.S. Patent No. 6,727,049 as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. Section 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

(Terminal Disclaimer to Obviate a Double Patenting Rejection—page 3 of 7)

**DISCLAIMER FEE (37 C.F.R. Section 1.20(d))**

- ☒ Other than a small entity--fee \$130.00
- ☐ Small entity--fee \$65.00
- ☐ Small entity statement attached
- ☐ Small entity statement already filed
- ☐ in patent application \_\_\_\_/\_\_\_\_ on \_\_\_\_\_ (date)

**FEE PAYMENT**

- ☐ Attached is a check in the sum of \$\_\_\_\_\_.
- ☐ Charge Account \_\_\_\_\_ for any fee deficiency.
- ☒ Charge Deposit Account 04-1105 the sum of \$ 130.00.  
A duplicate of this disclaimer is attached.

Date: March 21, 2005

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\_\_\_\_\_  
Signature of disclaimant  
\_\_\_\_\_  
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